

## § 958.14

Thereafter an order granting or denying such application will be issued by the Judicial Officer.

[36 FR 11578, June 16, 1971, as amended at 63 FR 66052, Dec. 1, 1998]

### § 958.14 Ex parte communications.

The provisions of 5 U.S.C. 551(14), 556(d) and 557(d) prohibiting ex parte communications are made applicable to proceedings under these rules of practice.

[42 FR 5358, Jan. 28, 1977]

## PART 959—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE PRIVATE EXPRESS STATUTES

### Sec.

- 959.1 Authority for rules.
- 959.2 Scope of rules.
- 959.3 Office, business hours.
- 959.4 Demands for payment of postage.
- 959.5 Appeals from demands.
- 959.6 Revocations of suspension.
- 959.7 Notice of hearing.
- 959.8 Service of petition filed under § 959.6.
- 959.9 Filing documents for the record.
- 959.10 Default.
- 959.11 Amendment of pleadings.
- 959.12 Continuances and extensions.
- 959.13 Hearings.
- 959.14 Change of place of hearings.
- 959.15 Appearances.
- 959.16 Presiding officers.
- 959.17 Evidence.
- 959.18 Subpoenas.
- 959.19 Witness fees.
- 959.20 Depositions.
- 959.21 Transcript.
- 959.22 Proposed findings and conclusions.
- 959.23 Decisions.
- 959.24 Exceptions to initial decision or tentative decision.
- 959.25 Judicial Officer.
- 959.26 Motion for reconsideration.
- 959.27 Modification or revocation of orders.
- 959.28 Computation of time.
- 959.29 Official record.
- 959.30 Public information.
- 959.31 Ex parte communications.

AUTHORITY: 39 U.S.C. 204, 401; 39 CFR 224.1(c)(6)(ii)(D).

SOURCE: 39 FR 33213, Sept. 16, 1974, unless otherwise noted.

### § 959.1 Authority for rules.

These rules are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General.

## 39 CFR Ch. I (7–1–02 Edition)

### § 959.2 Scope of rules.

These rules apply to all Postal Service proceedings in which part 310 of this title authorizes appeals to the Judicial Officer from demands for postage for matter carried in violation of the Private Express Statutes, and in proceedings to revoke, as to any person, the suspension of provisions of the Private Express Statutes in accordance with part 320 of this title.

### § 959.3 Office, business hours.

The offices of the officials mentioned in these rules are located at 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078 and are open Monday through Friday from 8:15 a.m. to 4:45 p.m.

[63 FR 66052, Dec. 1, 1998]

### § 959.4 Demands for payment of postage.

Final demands for payment of postage will be accompanied by a copy of these rules and will:

- (a) State that the demand is final unless appealed under these rules within 15 days after receipt of the demand;
- (b) Describe the transaction on which the demand is based and the provisions of law or regulation alleged to have been violated; and
- (c) State the manner in which the amount of the demand is computed.

### § 959.5 Appeals from demands.

(a) A party upon whom a demand for postage has been made may appeal from the demand by filing a petition, in triplicate, with the Recorder, Judicial Officer Department, within 15 days after receipt of the demand.

(b) The petition shall:

- (1) Be signed personally by an individual petitioner, by one of the partners of a partnership, or by an officer of a corporation or association;
- (2) State the reasons why the person filing the petition (designated the “Petitioner” in these rules) believes the demand is not justified;
- (3) Admit or deny each fact alleged in the demand and allege any facts upon which the Petitioner relies to show compliance with applicable laws and regulations; and,